

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA (Southern Division – Santa Ana)  
CIVIL DOCKET FOR CASE #: 8:23-cv-01139-CJC-KES**

Barclay Butera Development Inc. et al v. The Annex, LLC et al  
Assigned to: Judge Cormac J. Carney  
Referred to: Magistrate Judge Karen E. Scott  
Demand: \$1,500,000  
Cause: 15:1051 Trademark Infringement

Date Filed: 06/21/2023  
Date Terminated: 09/14/2023  
Jury Demand: Plaintiff  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Barclay Butera Development Inc.**

represented by **Charles M. R. Vethan**  
Vethan Law Firm PC  
Two Memorial City Plaza  
820 Gessner Suite 1510  
Houston, Tx 77024  
713-526-2222  
Fax: 713-526-2230  
Email: edocs@vethanlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Barclay Butera**  
*individually*

represented by **Charles M. R. Vethan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**The Annex, LLC**  
*doing business as*  
Helm Home

represented by **David W Tufts**  
Dentons Durham Jones Pinegar P. C.  
111 South Main Street, Suite 2400  
Salt Lake City, UT 84111  
801-415-3000  
Fax: 801-415-3500  
Email: david.tufts@dentons.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mario Ferreira**

represented by **Trevor Lee**  
Hoggan Lee Hutchinson  
1225 Deer Valley Drive Suite 201  
Park City, UT 84060  
435-615-2264  
Email: trevor@hlhparkcity.com  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/21/2023	<u>I 1</u>	COMPLAINT Receipt No: BCACDC-35529561 – Fee: \$402, filed by Plaintiff Barclay Butera Development Inc.. (Attachments: # <u>1</u> Civil Cover Sheet) (Attorney Charles M R Vethan added to party Barclay Butera Development Inc.(pty:pla))(Vethan, Charles) (Entered: 06/21/2023)
06/21/2023	<u>I 2</u>	EXHIBIT Filed filed by Plaintiff Barclay Butera Development Inc.. as to Complaint (Attorney Civil Case Opening) <u>1</u> . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Vethan, Charles) (Entered: 06/21/2023)
06/22/2023	<u>I 3</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by Plaintiff Barclay Butera Development Inc.. (Vethan, Charles) (Entered: 06/22/2023)
06/26/2023	<u>I 4</u>	NOTICE RE INTRA-DISTRICT TRANSFER by Clerk of Court due to incorrect intra-district venue selected by the filer. Case is transferred to the Southern Division. Case has been assigned to Judge Cormac J. Carney for all further proceedings. Any matters that may be referred to a Magistrate Judge are assigned to Karen E. Scott. New Case Number 8:23-cv-01139-DOC (KESx). (et) (Entered: 06/26/2023)
06/26/2023	<u>I 5</u>	NOTICE OF ASSIGNMENT to District Judge Cormac J. Carney and Magistrate Judge Karen E. Scott. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 6</u>	NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM filed. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 7</u>	Notice to Counsel Re Consent to Proceed Before a United States Magistrate Judge. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 8</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendants Mario Ferreira, The Annex, LLC. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 9</u>	NOTICE OF PRO HAC VICE APPLICATION DUE for Non-Resident Attorney Joseph L Lanza on behalf of Plaintiffs. A document recently filed in this case lists you as an out-of-state attorney of record. However, the Court has not been able to locate any record that you are admitted to the Bar of this Court, and you have not filed an application to appear Pro Hac Vice in this case. Accordingly, within 5 business days of the date of this notice, you must either (1) have your local counsel file an application to appear Pro Hac Vice (Form G-64) and pay the applicable fee, or (2) complete the next section of this form and return it to the court at <a href="mailto:cad_attyadm@cad.uscourts.gov">cad_attyadm@cad.uscourts.gov</a> . You have been removed as counsel of record from the docket in this case, and you will not be added back to the docket until your Pro Hac Vice status has been resolved. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 10</u>	NOTICE TO COUNSEL RE: Copyright, Patent and Trademark Reporting Requirements. Counsel shall file the appropriate AO-120 and/or AO-121 form with the Clerk within 10 days. (et) (Entered: 06/26/2023)
06/26/2023	<u>I 11</u>	NOTICE OF DEFICIENCIES in Attorney Case Opening RE: Complaint (Attorney Civil Case Opening) <u>1</u> . The following error(s) was found: No Notice of Interested Parties has been filed. A Notice of Interested Parties must be filed with every partys first appearance. See Local Rule 7.1-1. Counsel must file a Notice of Interested Parties immediately. Failure to do so may be addressed by judicial action, including sanctions. See Local Rule 83-7. (et) (Entered: 06/26/2023)
06/28/2023	<u>I 12</u>	Request for Clerk to Issue Summons on Complaint (Attorney Civil Case Opening) <u>1</u> filed by Plaintiff Barclay Butera Development Inc.. (Vethan, Charles) (Entered: 06/28/2023)
06/28/2023	<u>I 13</u>	21 DAY Summons Issued re Complaint (Attorney Civil Case Opening) <u>1</u> as to Defendants Mario Ferreira, The Annex, LLC. (twdb) (Entered: 06/28/2023)
07/11/2023	<u>I 14</u>	

		REPORT ON THE FILING OF AN ACTION Regarding a Patent or a Trademark (Initial Notification) filed by Barclay Butera Development Inc.. (Vethan, Charles) (Entered: 07/11/2023)
07/25/2023	<u>15</u>	CERTIFICATE of Interested Parties filed by Plaintiff All Plaintiffs, identifying Barclay Butera Development, Inc., Barclay Butera, Inc., Barclay Butera, Defendant The Annex, LLC d/b/a Helm Home, Defendant Mario Ferreira. (Vethan, Charles) (Entered: 07/25/2023)
07/28/2023	<u>16</u>	STIPULATION Extending Time to Answer the complaint as to The Annex, LLC answer now due 8/14/2023, re Complaint (Attorney Civil Case Opening) <u>1</u> filed by defendant The Annex, LLC.(Attorney David W Tufts added to party The Annex, LLC(pty:dft))(Tufts, David) (Entered: 07/28/2023)
07/28/2023	<u>17</u>	NOTICE AND ACKNOWLEDGMENT OF SERVICE of Summons and Complaint returned Executed filed by Plaintiff Barclay Butera Development Inc., upon Defendant Mario Ferreira acknowledgment sent by Plaintiff on 7/8/2023, answer due 7/31/2023. (Vethan, Charles) (Entered: 07/28/2023)
08/01/2023	<u>18</u>	MINUTE ORDER (IN CHAMBERS) ORDER TO SHOW CAUSE RE PARTIAL DISMISSAL FOR LACK OF PROSECUTION by Judge Cormac J. Carney: Here, Plaintiff has filed a notice and acknowledgment of service as to Defendant Mario Ferreira, yet the deadline for that Defendant's response to the Complaint has passed and Plaintiff has taken no action. Accordingly, the Court, on its own motion, hereby ORDERS Plaintiff to show cause in writing, no later than August 3, 2023 why this Defendant should not be dismissed from this action for lack of prosecution. (see document for further details) (bm) (Entered: 08/01/2023)
08/02/2023	<u>19</u>	Joint STIPULATION Extending Time to Answer the complaint as to Mario Ferreira answer now due 8/7/2023, filed by Plaintiff Barclay Butera Development Inc.. (Attachments: # <u>1</u> Proposed Order)(Vethan, Charles) (Entered: 08/02/2023)
08/03/2023	<u>20</u>	ORDER ON STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT BY NOT MORE THAN 30 DAYS (L.R. 8-3) <u>19</u> by Judge Cormac J. Carney. IT IS ORDERED that Defendant's Deadline to Respond to Plaintiffs' Initial Complaint on July 31, 2023, be and hereby is extended to August 7, 2023. (lom) (Entered: 08/04/2023)
08/07/2023	<u>21</u>	NOTICE OF MOTION AND MOTION to Dismiss Case filed by Defendant Mario Ferreira. Motion set for hearing on 9/11/2023 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Memorandum of Points and Authorities in Support of Defendants Motion to Dismiss Plaintiffs Complaint and His Alternative Motion to Transfer Venue, # <u>2</u> Declaration of Marrio Ferreira in Support of his Motion to Dismiss Plaintiffs Complaint and his Alternative Motion to Transfer Venue, # <u>3</u> Proposed Order Granting Defendants Motion to Dismiss Plaintiffs Complaint and His Alternative Motion to Transfer Venue) (Attorney Trevor Lee added to party Mario Ferreira(pty:dft)) (Lee, Trevor) (Entered: 08/07/2023)
08/08/2023	<u>22</u>	NOTICE OF INTENT by Judge Cormac J. Carney. Scheduling order to be issued on October 12, 2023. (rrp) (Entered: 08/08/2023)
08/14/2023	<u>23</u>	NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction ; <i>Memorandum of Points and Authorities in Support</i> filed by Defendant The Annex, LLC. Motion set for hearing on 9/11/2023 at 01:30 PM before Judge Cormac J. Carney. (Attachments: # <u>1</u> Proposed Order) (Tufts, David) (Entered: 08/14/2023)
08/14/2023	<u>24</u>	DECLARATION of Chris Ross in Support of NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction ; <i>Memorandum of Points and Authorities in Support</i> <u>23</u> filed by Defendant The Annex, LLC. (Tufts, David) (Entered: 08/14/2023)
08/21/2023	<u>25</u>	AGREED MOTION TO EXTEND DEADLINE TO MOTION TO DISMISS re NOTICE OF MOTION AND MOTION to Dismiss Case <u>21</u> filed by Plaintiffs Barclay Butera Development Inc.,

		Barclay Butera. (Attachments: # <u>1</u> Proposed Order Proposed Order on Agreed Motion to Extend Deadline)(Vethan, Charles) Modified on 8/22/2023 (twdb). (Entered: 08/21/2023)
08/22/2023	<u>26</u>	ORDER by Judge Cormac J. Carney: Granting <u>25</u> Agreed Motion to Extend Deadline to Respond to Defendant Mario Ferreria's Motion to Dismiss Pursuant to FRCP Rule 12(b)(6), and His Alternative Motion to Transfer Venue Pursuant to 28 U.S.C. §1404. The Court ORDERS any reply shall be filed by 9/5/23, and the hearing is CONTINUED to Monday, 9/18/23 at 1:30 p.m. (twdb) (Entered: 08/23/2023)
08/24/2023	<u>27</u>	MINUTE ORDER IN CHAMBERS by Judge Cormac J. Carney: ORDER CONTINUING HEARING <u>21</u> , <u>23</u> . In the interest of judicial economy, the motions are best heard together. Accordingly, the hearing on The Annex, LLCs motion is CONTINUED to September 18, 2023 at 1:30 p.m. ( Motion hearing continued to 9/18/2023 at 01:30 PM before Judge Cormac J. Carney.) (twdb) (Entered: 08/25/2023)
08/28/2023	<u>28</u>	OPPOSITION to NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction ; <i>Memorandum of Points and Authorities in Support</i> <u>23</u> , NOTICE OF MOTION AND MOTION to Dismiss Case <u>21</u> filed by Plaintiffs Barclay Butera Development Inc., Barclay Butera. (Vethan, Charles) (Entered: 08/28/2023)
09/05/2023	<u>29</u>	MEMORANDUM in Support of NOTICE OF MOTION AND MOTION to Dismiss for Lack of Jurisdiction ; <i>Memorandum of Points and Authorities in Support</i> <u>23</u> filed by Defendant The Annex, LLC. (Tufts, David) (Entered: 09/05/2023)
09/14/2023	<u>30</u>	ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTIONS TO DISMISS PLAINTIFFS' COMPLAINT FOR LACK OF PERSONAL JURISDICTION <u>21</u> <u>23</u> AND TRANSFERRING ACTION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH by Judge Cormac J. Carney. Defendants' motions are GRANTED IN PART to the extent they challenge personal jurisdiction but, in the interests of justice, this action is TRANSFERRED to the United States District Court for the District of Utah in lieu of dismissal. Defendants' motions are DENIED AS MOOT in their other respects. (SEE DOCUMENT FOR FURTHER DETAILS.) (MD JS-6. Case Terminated) (rolm) Modified on 9/14/2023 (rolm). (Entered: 09/14/2023)
09/14/2023	<u>31</u>	REPORT ON THE DETERMINATION OF AN ACTION Regarding a Patent or Trademark. (Closing) (rolm) (Entered: 09/14/2023)